

SALEM HOSPITAL CORPORATION
Employer
and
HEALTH PROFESSIONALS AND ALLIED
EMPLOYEES, AFT, AFL-CIO
Petitioner

As the Employer in the above-referenced case, Salem Hospital Corporation (hereafter, “Salem” or the “Hospital”) hereby submits, pursuant to § 102.69 of the Rules and Regulations of the National Labor Relations Board (hereafter, the “Board”), the following Exceptions to the Recommended Decision of Administrative Law Judge Earl E. Shamwell Jr., dated March 23, 2011.

1. Administrative Law Judge Earl E. Shamwell Jr. (“the ALJ”) erred when he failed to consider and/or rule upon Objections 1-16 in the Hospital’s Objections to Election filed on or about December 21, 2010.
2. The ALJ erred in concluding that the Board “essentially administratively dismiss[ed]” Objections 1-16, and, similarly, by concluding that

the Board determined that Objections 1-16 should “in effect be dismissed.” See ALJ’s Recommended Decision, footnotes 6 and 7.

3. The ALJ erred by giving retroactive effect to the Regional Director’s dismissal of Objections 1-16. *Id.* at fn. 7.

4. The ALJ erred in finding that the Regional Director’s statement in the January 10, 2011 Notice of Hearing on Objections to Election that “[a]lthough the Board Agent running the election assured these voters that their votes would remain secret, she did not inform them of circumstances under which their identities could be determined” did not constitute an acknowledgement that the Board Agent did not inform challenged voters of circumstances under which their identities could be determined.

5. The ALJ erred in finding that it was “obligatory” for Salem to call the Board Agent in order to sustain its burden relative to Objections 18-20.

6. The ALJ erred in determining that the Hospital did not produce sufficient evidence of the Board Agent’s misconduct to sustain the Hospital’s Objections 18-20.

7. The ALJ erred by concluding that the Board Agent maintained and protected the integrity and neutrality of the Board’s election procedures.

WHEREFORE, Employer Salem Hospital Corporation respectfully submits
the foregoing Exceptions to the Recommended Decision of Administrative Law
Judge Earl E. Shamwell Jr., and its accompanying Brief in Support.

Dated: Glastonbury, Connecticut
 April 6, 2011

Respectfully submitted,

/s/ Bryan T. Carmody
Bryan T. Carmody, Esq.
Attorney for Salem Hospital Corporation
134 Evergreen Lane
Glastonbury, Connecticut 06033
(203) 249-9287
bryancarmody@bellsouth.net

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 4

<hr/>		:
SALEM HOSPITAL CORPORATION		:
		:
		:
	Employer	:
<i>and</i>		:
		:
		:
HEALTH PROFESSIONALS AND ALLIED		:
EMPLOYEES, AFT, AFL-CIO		:
		:
	Petitioner	:
<hr/>		

CERTIFICATE OF SERVICE

The Undersigned, Bryan T. Carmody, Esq., being an Attorney duly admitted to the practice of law, does hereby certify that, pursuant to 28 U.S.C. § 1746, Salem Hospital Corporation's Exceptions to the Recommended Decision of Administrative Law Judge Earl E. Shamwell Jr. ("the Exceptions") was e-filed on Wednesday, April 6, 2011 through the website of the National Labor Relations Board (www.nlr.gov).

The Undersigned does hereby further certify that, on April 6, 2011, a copy of the Exceptions was served by e-mail upon the following:

Dorothy L. Moore-Duncan, Regional Director
Attention: Patricia Garber, Esq.
National Labor Relations Board, Region 4
615 Chestnut Street - 7th Floor
Philadelphia, Pennsylvania 19106

Patricia.Garber@nlrb.gov

Samuel J. Lieberman, Esq., Assistant Director
Legal Department
American Federation of Teachers
555 New Jersey Avenue, N. W.
Washington, D. C. 20001
slieberm@aft.org

Dated: Glastonbury, Connecticut
April 6, 2011

Respectfully submitted,

/s/ Bryan T. Carmody_____

Bryan T. Carmody, Esq.
Attorney for Salem Hospital Corporation
134 Evergreen Lane
Glastonbury, Connecticut 06033
(203) 249-9287
bryancarmody@bellsouth.net